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Absent: Council Members - None

PLEDGE OF ALLEGIANCE The Pledge of Allegiance was led by Mayor Pennino.

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Davenport second, approved the following items hereinafter set forth by the following vote:

Ayes: Council Members - Davenport, Sieglock and
Pennino (Mayor)

Noes: Council Members - Mann and Snider

Absent: Council Members - None

Further, the following items were removed from the Consent Calendar by Council Member Davenport and discussed and acted upon at the end of the agenda:

- a) Agenda item #F-1 entitled, "Claims - \$1,674,622.77";
- b) Agenda item #F-5 entitled, "Agreement by Transmission Agency of Northern California to render Tesla-Midway Transmission Service to its members, including Lodi";
- c) Agenda item #F-6 entitled, "Agreement between the Boys and Girls Sports Organization (B.O.B.S.) and the City of Lodi for operations of the concession facilities at Zupo Field";
- d) Agenda item #F-7 entitled, "Addendum to agreement between the Boosters of Boys and Girls Sports Organization (B.O.B.S.) and the City of Lodi naming all employees hired to staff B.O.B.S. concessions on City facilities as part-time employees of the City of Lodi";
- e) Agenda item #F-8 entitled, "Easement to PG&E for Gas Service to Northern California Power Agency (NCPA) Project at White Slough, 12751 North Thornton Road";
- f) Agenda item #F-9 entitled, "Destruction of certain Finance Department records";
- g) Agenda item #F-10 entitled, "Contract award for 1993 Sidewalk Repair Program";
- h) Agenda item #F-11 entitled, "Contract award for 1993 Miscellaneous Concrete Work"; and
- i) Agenda item #F-12 entitled, "Traffic Resolution amendment - speed limits on Lodi Avenue, from Beckman Road to Guild Avenue,

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and on Guild Avenue, from Lodi Avenue to Victor Road".

MINUTES There were no minutes for approval.

AMENDED SALARY RANGES FOR MEMBERS OF THE
GENERAL SERVICES UNIT

RESOLUTION NO. 93-13

CC-34 The City Council adopted Resolution No. 93-13 approving the
CC-300 salary schedule for General Services employees. The
 salaries are retroactive to January 4, 1993.

The City has just completed negotiations with the General Services Unit for the period July 1992 through June 1993. It has been agreed to give all represented employees in that unit an across-the-board 2.0% increase effective the pay period following January 1, 1993.

AMENDED SALARY RANGES FOR MEMBERS OF THE
ELECTRIC UTILITY UNIT

RESOLUTION NO. 93-14

CC-34 The City Council rescinded Resolution No. 93-12 which
CC-300 established salaries for the Electric Utility Unit
 effective January 4, 1993, and adopted Resolution No. 93-14
 approving those same salaries effective December 21, 1992.

The Memorandum of Understanding with the Electric Utility Unit calls for a salary increase the pay period in which January 1, 1993 falls. When the original resolution was prepared for the City Council, the effective date was set for the pay period after January 1, 1993.

ACCEPTANCE OF IMPROVEMENTS UNDER ELECTRIC
UTILITY PORTABLE OFFICE BUILDING
CONTRACT APPROVED

CC-90 The City Council accepted the improvements under the
 "Electric Utility Portable Office Building" contract and
 directed the Public Works Director to file a Notice of
 Completion with the County Recorder's office.

The City Council was reminded that the contract was awarded to Meehleis Modular Buildings, Inc. of Lodi, California, on May 11, 1992, in the amount of \$149,750. The contract has been completed in substantial conformance with the plans and specifications approved by the City Council.

The contract completion date was January 6, 1993, and the actual completion date was January 6, 1993. The final contract price was \$150,430. The difference between the contract amount and the final contract price is due to one change order in the amount of \$680 for minor plumbing and electrical modifications.

COMMENTS BY CITY

COUNCIL MEMBERS The following comments were received under the "Comments by City Council Members" segment of the agenda:

"HAPPY NEW YEAR" EXPRESSED TO THE CITIZENS

Council Member Davenport wished a belated "Happy New Year" to the citizens of Lodi and his colleagues.

REQUEST FOR GANG TASK FORCE REPORTS

CC-2(q) Council Member Davenport reminded the City Council that he would still like to see a Gang Task Force report at each Council meeting.

City Attorney McNatt reminded the City Council that the Shirtsleeve Session of February 2, 1993 will be regarding procedural changes, at which time this matter will be discussed.

REFUSE SYSTEM COMPLAINTS

CC-22(b) Council Member Davenport commented that he is still CC-54 receiving phone calls and comments regarding the City's new refuse system.

POLICE CHIEF RECRUITMENT

CC-34 Council Member Davenport expressed his opinion that the Police Chief should be hired by the City Council and questioned whether or not any applications have been received.

REQUEST FOR DIFFERENT BUDGET FORMATS

CC-21(b) Council Member Davenport questioned if it were possible to review any other budget formats. City Manager Peterson responded that, if directed, he would contact local cities to request copies of their budget formats.

COUNCIL MEMBER ENCOURAGES PUBLIC TO ATTEND
FUTURE "TOWN HALL" MEETINGS

CC-21(b) Council Member Mann encouraged citizens to attend the future "Town Hall" meetings to provide input to the City Council as to possible cuts in service, revenue enhancements, etc.

Assistant City Manager Glenn shared with the Council and the public that a new voice mail recording has been created called the "Town Hall Hotline" to give the public the opportunity to share their suggestions/comments regarding the budget. The phone number is (209) 333-6896.

REMINDER GIVEN TO CITY MANAGER

CC-6 Council Member Snider reminded the City Manager that the City Council operates as a five member body and that he should not spend excessive time preparing work for individual members of the Council.

POSSIBLE SHIRTSLEEVE SESSION REGARDING
MASTER PLAN FOR DOWNTOWN AREA

CC-13 Mayor Pennino asked the City Council to consider discussing
CC-72 at a future Shirtsleeve Session the possibility of developing a Master Plan for the Downtown area.

COMMENTS BY THE
PUBLIC ON NON
AGENDA ITEMS

The following comments were received under the "Comments by the public on non-agenda items" segment of the agenda:

QUESTION ON COST OF COPY WORK

CC-16 Ron Williamson, Parks and Recreation Director, City of Lodi, expressed his concern regarding his Department's preparation of lengthy and costly documents that are given to the public at no cost and inquired if this could be addressed.

City Attorney McNatt informed Mr. Williamson that there is currently a resolution that provides a standard charge of 15¢ a page, with some exceptions, and an added charge for staff time on certain projects.

COMPLAINT REGARDING THE CITY'S CURRENT
SOLICITATION ORDINANCE

CC-16 Dan Sweatt, Lodi Memorial Cemetery, 5890 East Pine Street,
CC-149 Lodi, expressed his complaint regarding the City of Lodi's solicitation ordinance and suggested it be reviewed. The matter will be placed on a future agenda.

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COMPLAINT REGARDING CITY'S NEW REFUSE SYSTEM

CC-22(b) Arthur Price, 1053 Port Chelsea, Lodi, commented on the
CC-54 City's new refuse system. Mr. Price feels the new cans are too small creating difficulties for larger families and suggested that the program have more flexibility.

SUGGESTION OF AN EASTSIDE TASK FORCE

CC-2(s) Virginia Snyder, 412 East Oak Street, Lodi, requested that the City Council consider creating an Eastside Task Force, possibly consisting of citizen volunteers, preferably eastside area residents, and representatives of ethnic groups.

Council Member Davenport made a motion to put this item on as an emergency item, but the motion died for lack of a second.

This item will appear on a future agenda.

PRESENTATION OF CHECK FROM THE OLD LODI UNION HIGH SCHOOL SITE FOUNDATION

CC-27(e) Dennis Bennett, representing the Old Lodi Union High School Site Foundation, presented the City Council with a check in the amount of \$30,000 as partial payment for the preliminary design for the Hutchins Street Square auditorium.

OFFICIAL CITY FLAG PROGRAM PRESENTED

CC-6 Jeffrey Kirst, P.O. Box 1259, Woodbridge, introduced his
CC-97 father, Stanley Kirst, a long-time Lodi resident. Following introduction of his wife, Cleo, Mr. Kirst presented the City Council with the following proposal.

- ° Mr. Kirst would like to offer a \$1,000 U.S. Savings Bond to the Lodi citizen who designs the official City of Lodi flag to be judged by the Lodi Arts Commission. This flag would fly over City Hall and Hutchins Street Square and could be reproduced and sold to the public.

BRICK BY BRICK CAMPAIGN

CC-27(e) Mr. Dennis Bennett, Old Lodi Union High School Site Foundation, informed the public of Hutchins Street Square's "Brick by Brick" campaign whereby a brick can be purchased for \$50 with the purchaser's engraved name which will then be placed in the Hutchins Street Square plaza.

PUBLIC HEARINGS Notice thereof having been published according to law, an affidavit of which publication is on file in the office of the City Clerk, Mayor Pennino called for the Public Hearing

to consider appeal of Delta Sign and Crane Service on behalf of Riley-Pearlman of the following actions of the Planning Commission:

- a) Determination that a Zoning Hardship did not exist and denial of a Zoning Variance to increase the maximum sign area for individual businesses on a shopping center identification sign from 100 square feet to 164 square feet at 2350 West Kettleman Lane (Sunwest Plaza-Wal Mart) in an area zoned C-S, Commercial Shopping; and
- b) Denial of a request for a Use Permit for a second shopping center identification sign at 2350 West Kettleman Lane (Sunwest Plaza-Wal Mart) in an area zoned C-S, Commercial Shopping Center.

PUBLIC HEARING REGARDING APPEAL OF DELTA
SIGN AND CRANE SERVICE FOR WAL-MART SIGN
GRANTED

CC-53 (b) Community Development Director Schroeder presented the
CC-171 following report regarding the Appeal of Delta Crane and Service.

As can be seen on the excerpt shown below from the Lodi Municipal Code, a shopping center in an area zoned C-S, Commercial Shopping Center, is permitted a shopping center identification sign of 600 square feet.

"Freestanding signs which identify the shopping center:

- a) May not project more than one foot over the public right-of-way and in no case shall such sign extend closer than two feet from the back of curb.
- b) Shall be a maximum of six hundred square feet for all readable surfaces. One hundred square feet of the total sign area may be used for individual business identification signs uniform in size, shape and lettering.
- c) Shall have a maximum height of thirty-five feet and shall be a minimum of ten feet above the finished grade of the existing or future sidewalk; except nonilluminated, nonstructural and nonsupporting decorative spires mounted on top of the signs may exceed the height limit by a height equal to one-third of the distance measured between the top of the portion of the sign

identifying the shopping center and the finished grade of the existing or future sidewalk.

- d) Shall be limited to one per shopping center except that shopping centers of ten acres or more may have two freestanding identification signs subject to the approval of the Planning Commission.
- e) Shall not contain 'readerboards'."

One hundred square feet of the sign may be used for tenant identification. It is the square footage devoted to tenant identification that the applicant wants to increase. The Planning Commission found no "Zoning Hardship" as defined in Municipal Code Section 17.72.030.

The second part of the appeal was for a Use Permit for a second shopping center sign which is legal if the sign conforms to the restrictions of the code. Since it did not meet these restrictions, the Planning Commission could not approve the request.

At its meeting of January 11, 1993 the Planning Commission held a public hearing to consider the section described above. The Commission voted 5 to 2 in opposition to the proposed amendment. The majority of the members felt that "piece meal" amendments were wrong and that a totally new ordinance should be considered.

Craig Rassmussen, Vice-Chairperson of the Lodi Planning Commission, outlined the Commission's concerns of the granting of this request and explained its reason for not finding that a "hardship" existed.

Following discussion, the Mayor opened the hearing to the public. Speaking regarding the matter were the following:

- a) Penny Patti, Delta Crane and Sign, 2100 Sanguinetti, Stockton, California;
- b) Ralph Wooldridge, 2350 West Kettleman Lane, Lodi, representing Wal-Mart, Lodi;
- c) Susan Hitchcock, representing the City of Lodi Planning Commission; and
- d) Daryl Browman, Browman Development Company.

The Mayor then closed the public hearing.

Continued January 20, 1993

Following a lengthy discussion among the City Council and those who had given testimony, the Council, on motion of Council Member Sieglock, Mann second, determined unanimously that a zoning hardship did exist, granted the variance to increase the sign area and approved the request for a second shopping center identification sign at 2350 West Kettleman Lane (Sunwest Plaza-Wal Mart).

RECESS

The Mayor called for a ten-minute recess and the City Council reconvened at approximately 9:35 p.m.

PLANNING COMMISSION
REPORT

City Manager Peterson presented the following Planning Commission Report of the Planning Commission Meeting of January 11, 1993.

ITEMS OF INTEREST

CC-35

The Planning Commission -

- a. Did not recommend that the City Council amend Lodi Municipal Code Section 17.63.270 to re-allocate the allowable sign area on a shopping center identification sign in an area zoned C-S, Commercial Shopping.
- b. Continued the request of Daryl Duncan on behalf of Wanda J. Cherry for approval of a tentative parcel map to create 2 lots from 1 lot at 819 James Street in an area zoned R-2, Single-Family Residential until 7:30 p.m. Monday, January 11, 1993.

This matter was continued so that the applicant could present the Planning Commission drawings that (1) depict the proposed offstreet covered parking for the existing dwelling and (2) illustrate the site plan for the proposed new dwelling.
- c. After reviewing a report from the City Attorney which indicated that a Use Permit was not needed, the Planning Commission returned the request of Young Electric Sign Company on behalf of Orchard Super Hardware and MacFrugal's for a second shopping center identification sign at 360 South Cherokee Lane in an area zoned C-2, General Commercial to the staff for processing.
- d. Set a public hearing for 7:30 p.m., Monday, January 25, 1993 to consider the request of Hai Nguyen for a Use Permit for a video store and small arcade at 429 West Lockeford Street, Suite B, in an area zoned C-2, General Commercial

COMMUNICATIONS
(CITY CLERK)

CLAIMS CC-4 (c)

On recommendation of the City Attorney and the City's contract administrator, Insurance Consulting Associates,

Continued January 20, 1993

Inc. (ICA), the City Council, on motion of Mayor Pennino, Sieglock second, unanimously rejected the following claim and referred it back to the contract administrator:

a) Dale and Betty Dunn, Date of loss 11/23/92

ABC LICENSE
APPLICATIONS

City Clerk Perrin presented the following applications for Alcoholic Beverage Control Licenses which had been received:

CC-7(f)

- a) Jacoub E. Habibeh, Cherokee Mini Mart and Liquor, 401 South Cherokee Lane, Lodi, Off Sale General, Original License;
- b) Amrik/Amritpal K. Singh, Lodi Food and Liquor, 1225 West Lockeford Street, Lodi, Off Sale General, Original License; and
- c) Iftikhar Ahmad, 1 West Pine Street, Lodi, Off Sale Beer and Wine, Original License.

Further, the City Council on motion of Mayor Pennino, Sieglock second, approved sending a letter to the Alcoholic Beverage Control Board to oppose the granting of the license to Iftikhar Ahmad, 1 West Pine Street, Lodi by the following vote:

Ayes: Council Members - Mann, Sieglock, Snider and Pennino (Mayor)

Noes: Council Members - Davenport

Absent: Council Members - None

RESIGNATION OF RECREATION COMMISSION MEMBER

CC-2(h)

The City Council received the following letter of resignation from Lodi Parks and Recreation Commissioner Steve Scott.

"It is with regret that I have, for personal reasons, decided to terminate my position on the Lodi Parks and Recreation Commission, effective immediately. I leave the Commission with a sense of accomplishment and gratitude. Lodi Parks and Recreation will continue to be an interest of mine and a source of my support. I wish the Commission well in future endeavors."

The City Council was reminded that the City Clerk was directed to post for this expiring term at the City Council meeting of November 18, 1992. Mr. Scott's term expired December 31, 1992.

APPOINTMENT/REAPPOINTMENT TO THE LODI PARKS
AND RECREATION COMMISSION

CC-2(h) The City Council was reminded that at the November 18, 1992 Council meeting, the City Clerk was directed to post for the expiring terms of Elvera Melby and Steve Scott on the Lodi Parks and Recreation Commission which terms were due to expire December 31, 1992.

The City Council, on motion of Council Member Snider, Sieglock second, unanimously made the following appointment/reappointment to the Lodi Parks and Recreation Commission:

APPOINTMENT

Chad Meyer, term to expire December 31, 1996

REAPPOINTMENT

Elvera Melby, term to expire December 31, 1996

REGULAR CALENDAR

SUNDAY DIAL-A-RIDE SERVICE APPROVED

CC-50(b) The following report was presented by Administrative Assistant to the City Manager Keeter.

The Dial-A-Ride program currently operates Monday through Saturday with no service on Sunday. The calls for service are averaging approximately 359 rides per weekday, and 141 rides per Saturday. The City recently held two public hearings to ascertain the City's unmet transit needs. Based on comments received by citizens attending the hearings, staff is recommending that we begin Dial-A-Ride Sunday service on a trial basis for February, March, and April.

Because Dial-A-Ride is not designed to shuttle large numbers of individuals to the same location and back, staff is recommending that we avoid the morning hours on Sundays to reduce the numbers of calls which might arise from churchgoers. Generally, churches have vans to assist those members who have transportation limitations. The recommended hours of operation on Sundays is 12:00 p.m. until 5:00 p.m. with three drivers (including one wheelchair van) and one dispatcher.

After three months of Sunday Dial-A-Ride service, it was recommended that staff evaluate the numbers of calls for service and determine if Dial-A-Ride should expand to 7 days a week.

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Speaking regarding the matter was Virginia Lahr, 311 East Elm Street, Lodi.

Following discussion, the City Council, on motion of Council Member Snider, Mann second, unanimously approved Sunday Dial-A-Ride service from 12:00 p.m. to 5:00 p.m. during the months of February, March and April.

NUMBER OF COMMISSION MEMBERS FOR THE LODI
PARKS AND RECREATION COMMISSION REMAINS THE SAME

CC-2 (h) Parks and Recreation Director Williamson introduced Recreation Commission Chairperson, Bob Johnson, who presented the following report.

The City Council was reminded that at the meeting of December 16, 1992, Mayor Pennino suggested that the Parks and Recreation Commission review the possibility of increasing the Commission from five to seven members as shown below.

"As you are aware, the terms of two members of the Parks and Recreation Commission are up at the end of this month. In an effort to fill those positions, an announcement was made in the newspaper and applications were taken from those interested in serving on the commission.

I must say that I was impressed by the number of applicants. A total of eleven individuals applied. These eleven (including the two current members) were each interviewed for approximately one-half hour. At the end of those interviews I realized there were a lot of people who could add a great deal to the scope of the Parks and Recreation program for Lodi.

In that regard, I requested of the City Council at our December 16, 1992 meeting that we consider expanding the Parks and Recreation Commission to seven members. As the City of Lodi and the area that the Parks and Recreation Department services expand, I believe there is a need to broaden the commission. The Parks and Recreation Commission plays a key role in the overall City organization. I note that two other key commissions, the Planning Commission and the Senior Citizens Commission, both have seven members.

At your January meeting would you please discuss the pros and cons to this possible expansion? I would appreciate a response so it can be put on the agenda for the City Council meeting of January 20, 1993.

Recreation Commission Chairperson Johnson informed the Council that after a lengthy discussion by the Commission on pros and cons of each number membership, it was the

opinion of the entire Commission that there was no major or monumental reason for enlargement of the Commission at this time.

On motion of Council Member Snider, Mann second, the City Council voted to take no action regarding the proposed enlargement of the Lodi Parks and Recreation Commission by the following vote:

Ayes: Council Members - Davenport, Mann, Sieglock, and Snider

Noes: Council Members - Pennino (Mayor)

Absent: Council Members - None

COUNCIL ACTION OF DECEMBER 16, 1992 PERTAINING
TO THE CITY'S PARKS FERTILIZER PROGRAM RESCINDED

CC-12.1(c) Parks and Recreation Director Williamson presented the following staff report.

The City Council was advised that at the regular meeting of the Parks and Recreation Commission held January 5, 1993, Commission voted 4-0 to bring the issue of continued fertilization of Lodi parks back to City Council for reconsideration. Parks and Recreation Commission Chairman Bob Johnson mailed the following letter to the Parks and Recreation office stating the reasons why he believes this issue should be reconsidered.

"At a recent City Council meeting, a \$10,000 allocation for the purchase of fertilizer was cut to \$5,000.

During the January 1993 meeting of the Parks and Recreation Commission, the question of this cut was discussed at length. The Commission is aware of the tight budget constraints facing the City of Lodi and is further aware that each Department in the City will have to participate in cost reductions to balance the budget. We hope that the Council will see the wisdom of having all Departments bear the pain equally and that no one Department will be sacrificed for the benefit of others.

We would like to point out that, at the last round of budget cuts, the Parks and Recreation Department was among the most severely impacted with a reduction of 7%. Most other major Departments were reduced by 4% or less. A copy of the breakdown by Department...(was presented for Council's review).

We would also like to point out that the budget for fertilizer had already been reduced by 50% because of the drought. In effect, this latest reduction provides the

Department with 75% less fertilizer than it has used in past years. The Park system has always been a source of pride for the City of Lodi and it would be a shame to see a deterioration of the system over a relatively small amount of money. By putting the fertilizer allotted on only the actively used fields and areas suggested by the Council, it allows the remainder of the Park system to fall behind from a maintenance point of view and it may be more costly to repair the problem at a future date.

We also question if this is to be a recurring pattern relative to this budget or those of other Departments. It might be better to look at a budget in its entirety and then consider cuts if needed rather than striking at 'targets of opportunity' as they appear on the Consent Calendar. We feel confident that the Parks and Recreation staff are capable of complying with directives from the Council dealing with percentage reductions and might be in a position to suggest alternative cuts which, while not less painful, would be more palatable.

In addition, we note that the reduction in question was not discussed by the Commission prior to action by the Council. We would like to be involved as much as possible in the budget process as it relates to the Park and Recreation Department. While we know it will not always be possible, we request that we be given an opportunity to review and comment on any future budget cuts before they are made.

Finally, we request that you reconsider your decision to delete the \$5,000 allocation for fertilizer and allow the Parks Division to spend the money allocated for fertilization.

Thank you for your consideration."

The Commission is concerned that the Parks and Recreation departmental budget has already been the one most severely impacted. The Commission is further concerned that it had previously reduced our fertilization by 50% and feels that the problems caused by reduced fertilization will be overshadowed by future potential problems that may arise.

Finally, the Parks and Recreation Commission recommends that the budget be reviewed in its entirety rather than making cuts as an item may appear before the Council on the consent calendar.

Many of the arguments presented by the Commission are included in Bob Johnson's letter. The Commission was not pleased with the compromise proposal and felt that the recommendation should have been to table the matter until it could be reviewed by the Commission. In retrospect, it

appears this would have given the Commission a chance to be involved in this decision. Council may agree that this is the course that should have been taken. If so, our error was in not seeing this as an option at the time.

Speaking on the matter was Scott Essin, Parks Superintendent, City of Lodi.

Following a lengthy discussion, the City Council, on motion of Council Member Sieglock, Mann second, made a motion to take no further action and to leave the money in the account. The motion failed by the following vote:

Ayes: Council Members - Sieglock and Mann

Noes: Council Members - Davenport, Snider and Pennino
(Mayor)

Absent: Council Members - None

Further, on motion of Council Member Snider, Pennino second, the City Council approved reinstating the allocated \$5,000 to be used towards the purchase of fertilizer by the following vote:

Ayes: Council Members - Mann, Snider and Pennino (Mayor)

Noes: Council Members - Davenport and Sieglock

Absent: Council Members - None

DEVELOPMENT IMPACT MITIGATION FEE CREDITS
FOR LODI TOWN PLAZA (TARGET DEVELOPMENT,
2375 WEST KETTLEMAN LANE) APPROVED

CC-56 Council Member Snider abstained from discussion and voting
CC-158 on this matter due to a conflict of interest.

Public Works Director Ronsko introduced Assistant City Engineer Prima who presented the following report.

The developers of the Lodi Town Plaza Shopping Center have requested that the cost of some of their public improvements be credited toward impact mitigation fees, specifically the cost of a 10-inch water main crossing at Kettleman Lane and the traffic signal at Tienda Drive and Kettleman Lane. Normal development requirements include the installation of all these improvements. The City pays for certain improvements if they are included in the Development Impact Mitigation Fee Program. The Program, which was adopted as part of the 1991 General Plan Update, identified major facilities needed to serve new development and spread the cost of those facilities over the entire area to be developed in the form of an acreage fee. As it

relates to this project, the Program included the master storm drain and street work in excess of 34 feet. These costs will be credited toward the project's appropriate impact fees.

After reviewing the City's requirements and meeting with staff to discuss developer versus City responsibilities, the developers requested that the following two items be included in the impact fee credit.

- 1) Traffic signal at Tienda Drive and Kettleman Lane, total cost \$120,000 - This signal was originally planned as part of the Wal-Mart Project. Their traffic study indicated that a signal would be needed to provide proper access. Caltrans would not approve the signal until it was needed, based on volumes and/or accidents, and questioned whether they would approve a signal at a private driveway. Wal-Mart presently has a bond posted for the full cost of the signal. With the Target Project on the north side of Kettleman Lane and planning for future development, the City adopted the plan for Tienda Drive which would intersect Kettleman Lane immediately across from the Wal-Mart driveway and provides for a signal at this intersection. Staff felt that this signal would then be installed by the Target Project and the cost shared with the Wal-Mart Project and possibly other adjacent properties.

The Target developers pointed out that with Tienda Drive, this signal has as much City-wide benefit as the other signals that are included in the Streets Fee Program. Staff admitted that if the General Plan and circulation study had identified the collector street and the signal, it most likely would have been included in the Fee Program. However, staff also indicated a decision on this would be needed by the City Council.

The Council should be aware that a credit for the signal plus the other street credits will exceed the street fees for the first phase of the Target Project and that there are insufficient funds in the Street Fee account to pay the difference. If Council wishes to approve this request, it is recommended that the credit be limited to the amount of fees and that the difference

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be applied as fee credits to subsequent phases of the project. This will have a minor effect on the Street Impact Fee which will be addressed at the February 3, 1993 Council Meeting as a part of the scheduled fee update hearing.

- 2) Kettleman Lane 10-inch water crossing at Tienda Drive - The City's Water Development Impact Mitigation Program and Ordinance (LMC 13.08.140) provides for half the cost of "major crossings", such as Highway 12. The other half is the developer's responsibility. In order to serve the project, the developer will be installing two connections to the existing 10-inch water main on the south side of Kettleman Lane. Neither crossing is shown on the City's Master Water Plan. Thus, staff could not approve water impact fee credits for either crossing.

The westernmost crossing is being installed to avoid making a connection at Lower Sacramento Road due to right-of-way and utility restrictions. The second crossing is at Tienda Drive and will extend to the end of the street within the Target Project. Given the size of the existing parcels and their probable development patterns and the overall benefit to the water system, it is reasonable to include 50% of the second crossing in the Fee Program. This cost to the Program is approximately \$7,000. This has a negligible effect on the Water Impact Fee.

Recommendation

Staff had no major problem with either request. Should the Council wish to approve them, it was recommended that, by motion action, staff be directed to include the credits and other appropriate wording in the Improvement Agreement for the Project.

Speaking in favor of the matter was Daryl Browman, Browman Development Company, Inc.

Following discussion regarding the matter, the City Council, on motion of Council Member Mann, Pennino second, voted to approve the request to allow the development impact mitigation fee credit by the following vote:

Continued January 20, 1993

Ayes: Council Members - Mann, Sieglock and Pennino
(Mayor)

Noes: Council Members - Davenport

Absent: Council Members - None

Abstain: Council Members - Snider

REPORT ON THE PROCEDURE FOR PAYMENT OF CLAIMS

CC-21(b) City Attorney McNatt prepared the following report for the City Council regarding the procedure for payment of claims.

At the regular meeting of December 16, 1992 and January 6, 1993, Council Member Davenport questioned the manner in which City bills and payroll is made. The City Attorney prepared the following memos addressing this issue.

"SITUATION"

On the "Consent" calendar portion of each City Council meeting agenda is an item denominated "Claims": Under this item, the Council is asked to ratify payments previously made for such expenses as payroll, bulk electric power purchases, etc. Concerns have been expressed by Council Member Davenport that because the Council does not approve these payments in advance, but only ratifies them afterward, the methodology may be illegal. A staff response on this matter has been requested by the Council.

ANALYSIS

Limits on and grants of authority regarding municipal financial affairs are found in various places throughout California law. The cornerstone of municipal authority is Article 11, Section 7 of the California Constitution which grants general authority to cities for all "municipal affairs"; this has been interpreted to include fiscal policies (Cramer v. San Diego 330 P.2d 235).

Other examples of provisions covering municipal fiscal matters include California Constitution Article 13A(1) [limits on property taxes], California Constitution Article 16, Section 18 [debt limits], and Chapter 4 of Division 3 of the California Government Code (commencing with Section 37200) covering municipal financial powers generally.

The most relevant statute on this topic is Government Code Section 37208 (copy attached) which addresses payments for the type of claims at issue here. This statute clearly provides that payment of claims for payroll and items "conforming to a budget approved by ... the legislative

body need not be audited by the legislative body prior to payment" (emphasis added).

Although I don't believe the City Clerk usually "certifies" that the claims conform to an approved budget as referred to in subsection (b) of this statute, our situation may simply be an example of a past Council's exercise of its discretion to modify the statutory plan.

Under subsection (c) of this statute, the Council could choose to "ratify" the payments (i.e., approve after the fact) once a year in the form of an audited comprehensive financial report and dispense entirely with having the "Claims" item on each Council agenda. In fact, the City Council now receives such an annual audit report which includes all the same items previously presented under "Claims". It appears this would satisfy the criteria in subsection (c).

CONCLUSIONS AND OPINIONS

It is my opinion that the City's present "claims" procedures are legal. I suspect that this item has appeared on the agenda for as long as anyone can recall because some previous Council wanted frequent updates on City expenditures.

It does not appear the City is required to have a "Claims" item on each agenda. In doing so, the City appears to be acting within its discretion. I am aware of some cities which do not customarily put such items on Council agendas at all, choosing instead to approve the once-annual financial audit. Conversely, I have been told that some cities choose to have the Council approve all warrants beforehand. I offer no opinion as to the desirability of any of these approaches."

"This is intended as a supplement to my memo of January 7, 1993. A question has been raised as to the effect of Government Code Section 37202 on the situation. Although reasonable minds could differ as to the effect of this statute, I don't believe it changes my overall conclusion that Lodi's handling of consent calendar claims items is proper.

The specific language contained in Section 37202 which raises the question states "... the legislative body shall approve or reject demands only after such demands have been audited ..." (emphasis added). If that was all the statute said, I would probably agree that State law might require prior approval of all City expenditures or payment of "demands".

However, the Section begins by stating "[e]xcept as provided in Section 37208 ..." In my memo of January 7, 1993, it was concluded that Lodi is in compliance under Section 37208. One of the distinctions between these two statutes is that Section 37202 does not refer to payment of demands under a previously-adopted budget. When these two statutes area read together, I believe the logical conclusion is that cities have an option of how they choose to pay their bills.

As I have previously said, I am unaware of any State law which requires a city to adopt an annual budget. In such circumstances, I assume that Section 37202, which requires prior Council approval of all demands for items which are not contained in a formal budget, would apply.

On the other hand, cities could choose under Section 37208 to ratify (after the fact) payments made on demands which conform to a previously-adopted budget. I believe this is the situation in Lodi.

In summary, it is my opinion that if Lodi did not have an adopted budget, the provisions of Section 37202 might apply and Council approval would be required before demands could be paid. However, since to my knowledge all the claims contained in the consent calendar for ratification are done pursuant to an approved budget, Section 37208 would apply."

In an effort to determine what is the generally accepted practice in some other area public agencies, the City Attorney contacted 10 such agencies. The cities of Tracy, Manteca and Escalon follow a practice identical to the City of Lodi. The others: Stockton, Ripon, Lathrop, Galt, Modesto, Merced and the County of San Joaquin do not put the item on the agenda.

In addition to unnecessarily inconveniencing vendors, many of them local, who do business with the City of Lodi by making them wait up to two to three weeks longer for their payment, the City would also lose a considerable portion of its vendor discounts. Some vendors give percentage discounts if they receive payment within a specified period. This loss would be in the area of \$3,500 - \$4,500 annually.

The February 2, 1993 "Shirtsleeve" topic will be a review of various City Council procedural policies. The Council may wish to discuss how this item is to be addressed in the future.

Council Member Davenport commented that he noticed the change of wording in the Council Communication regarding the approval of claims from "approve" to "receive" claims.

Continued January 20, 1993

Following discussion, the City Council, on motion of Council Member Sieglock, Mann second, by the following vote determined it would take no further action on the matter:

Ayes: Council Members - Mann, Sieglock, Snider and Pennino (Mayor)

Noes: Council Members - Davenport

Absent: Council Members - None

ADJOURNMENT TO THE LODI PUBLIC IMPROVEMENT CORPORATION

Mayor Pennino adjourned the City Council meeting to the Lodi Public Improvements Corporation.

LODI PUBLIC IMPROVEMENT CORPORATION

CC-190 City Clerk Perrin opened the meeting of the Lodi Public Improvement Corporation and provided the following report.

The by-laws of the Lodi Public Improvement Corporation require that the Corporation conduct an annual meeting. This is the date and time for that meeting at which the Corporation will elect officers for the coming year. The officers to be elected are:

President
Vice President
Treasurer
Secretary

There is no other business to come before the Corporation at this meeting.

On motion of Director Sieglock, Mann second, the Corporation unanimously adopted Resolution No. 93-1 electing the members listed below to serve the coming year on the Lodi Public Improvement Corporation:

President - Phillip Pennino
Vice President - Jack Sieglock
Treasurer - Dixon Flynn
Secretary - Jennifer Perrin

President Pennino adjourned the meeting of the Lodi Public Improvement Corporation.

LODI CITY COUNCIL MEETING RECONVENED

The Lodi City Council meeting reconvened.

Continued January 20, 1993

ADJOURNMENT TO THE LODI INDUSTRIAL DEVELOPMENT
AUTHORITY

Mayor Pennino adjourned the City Council meeting to the Lodi Industrial Development Authority.

MEETING OF THE LODI INDUSTRIAL DEVELOPMENT
AUTHORITY

CC-60

Chairperson Snider opened the meeting of the Lodi Industrial Development Authority and presented the following report.

Since the organization of the Industrial Development Authority of the City of Lodi, John R. (Randy) Snider has served as Chairperson, David M. Hinchman has served as Vice-Chairperson and Alice M. Reimche as Secretary of the Authority. In 1991 Dixon Flynn was appointed as successor-in-interest to the Office of the Treasurer, formerly held by Robert H. Holm.

Inasmuch as David M. Hinchman is no longer on the City Council and Alice M. Reimche has recently retired it would be in order for the authority to make appointments to fill these vacancies. It was recommended that Mayor Phillip Pennino be appointed as Chairperson, Mayor Pro Tempore Jack A. Sieglock be appointed as Vice Chairperson, City Clerk Jennifer Perrin be appointed as Secretary and that Dixon Flynn remain as Treasurer.

Council Member Davenport stated he did not have enough information on this matter and abstained from voting.

On motion of Authorizing Member Snider, Sieglock second, the Authority adopted Resolution No. IDA-9 electing the following officials:

Chairperson - Phillip Pennino

Vice Chairperson - Jack Sieglock

Treasurer - Dixon Flynn

Secretary - Jennifer Perrin

to serve the coming year on the Lodi Industrial Development Authority by the following vote:

Ayes: Authorizing Members - Mann, Sieglock, Snider and Pennino (Chairperson)

Noes: Authorizing Members - None

Absent: Authorizing Members - None

Abstain: Authorizing Members - Davenport

Chairperson Pennino adjourned the meeting of the Lodi Industrial Development Authority.

LODI CITY COUNCIL MEETING RECONVENES

Mayor Pennino reconvened the Lodi City Council meeting.

ORDINANCES

ORDINANCE AMENDING LODI MUNICIPAL CODE CHAPTER
13.16 - SOLID WASTE RELATING TO INDUSTRIAL
WASTE COLLECTION AND RECYCLABLE MATERIALS

ORDINANCE NO. 1561

CC-22(b) Ordinance No. 1561 entitled, "An Ordinance of the City
CC-54 Council of the City of Lodi Amending Lodi Municipal Code
CC-149 Chapter 13.16 - Solid Waste Relating to Industrial Waste
Collection and Recyclable Materials" having been
re-introduced at a regular meeting of the Lodi City Council
held January 6, 1993 was brought up for passage on motion
of Council Member Snider, Davenport second. Second reading
of the ordinance was omitted after reading by title, and
the ordinance was then adopted and ordered to print by the
following vote:

Ayes: Council Members - Davenport, Mann, Sieglock,
Snider and Pennino (Mayor)

Noes: Council Members - None

Absent: Council Members - None

CLAIMS CC-21(a) Following a brief discussion, the City Council, on motion
of Council Member Davenport, Mann second, unanimously
adopted the claims in the amount of \$1,674,622.77.

APPROVED AGREEMENT BY TRANSMISSION AGENCY OF NORTHERN
CALIFORNIA TO RENDER TESLA-MIDWAY TRANSMISSION
SERVICE TO ITS MEMBERS, INCLUDING LODI

CC-7(s) Mayor Pennino abstained from discussion and voting on this
CC-90 matter due to a conflict of interest.

The City Council was reminded that it approved the Midway-Sunset Third Phase Agreement May 20, 1992. That agreement was between Northern California Power Agency (NCPA) and Midway-Sunset Cogeneration Company (MSCC) and involved purchase and sale of a large quantity of low cost energy for NCPA members, including Lodi. MSCC operates an enhanced oil recovery facility near Bakersfield, California. The savings from the NCPA-MSCC agreement accruing to Lodi is estimated to be approximately \$300,000 per year. Such savings being the difference between estimated annual MSCC price and the expected market price for replacement energy.

However, to obtain the economic benefit of the NCPA-MSCC power purchase, that power must be transferred over high-voltage transmission lines from the Bakersfield site to each of the NCPA member cities. PG&E owns the only high-voltage transmission system which can transmit that power. Therefore, a transmission agreement with PG&E is necessary.

The Transmission Agency of Northern California (TANC) is a joint powers agency which constructed the California-Oregon Transmission Project (COTP) and which has negotiated the necessary transmission rights between Tesla and Midway Substations with PG&E. The negotiation resolved into a regulatory Order issued by the Federal Energy Regulatory Commission (FERC) requiring Tesla-Midway Transmission Service to commence on March 1, 1992 pursuant to terms and conditions contained in principles for certain transmission rights between Tesla and Midway Substations as agreed between the parties. The purpose of this Agreement is to set forth the arrangements under which TANC will render Tesla-Midway Transmission Service to its Members. The City of Lodi and other Northern California cities with internal electric utility operations joined together to create NCPA for procurement of power resources and TANC for procurement of high-voltage transmission resources. FERC is an arm of the U.S. Federal Government which has sole jurisdiction over high-voltage transmission contracts like the subject agreement.

This Agreement has been reviewed by TANC Council and approved by the TANC Commission. The Agreement must now also be executed by the participating members of TANC to ensure that the FERC Order is met and the members can begin utilizing this transmission service.

Following a brief discussion on the matter, the City Council, on motion of Council Member Davenport, Mann second, approved the agreement by Transmission Agency of Northern California (NCPA) to render Tesla-Midway Transmission Service to its members, including Lodi by the following vote:

374

Ayes: Council Members: Davenport, Mann, Sieglock and Snider

Noes: Council Members - None

Absent: Council Members - None

Abstain: Council Members - Pennino (Mayor)

EASEMENT TO PG&E FOR GAS SERVICE TO NORTHERN CALIFORNIA POWER AGENCY (NCPA) PROJECT AT WHITE SLOUGH, 12751 NORTH THORNTON ROAD APPROVED

CC-7(t) Mayor Pennino abstained from discussion and voting on this matter due to a conflict of interest.

PG&E has requested a 30-foot wide easement from the City to provide natural gas service to the proposed 49 megawatt, steam-injected, gas turbine project for NCPA. NCPA will be leasing a 5-acre site from the City for their project at White Slough. This easement will not interfere with the operation of the City facility.

The City recently requested pricing information from PG&E for natural gas service to the treatment plant. The natural gas would be used in place of diesel as the backup fuel supply for the plant's methane burning boilers. This, in all likelihood, would be a cost savings to the City and would eliminate the requirement of hazardous material storage compliance needed for the diesel. If we do use natural gas, the service to the plant would come from the same gas line being installed in the proposed easement.

Following discussion, the City Council, on motion of Council Member Davenport, Mann second, approved the easement to PG&E for Gas Service to Northern California Power Agency (NCPA) Project at White Slough, 12751 North Thornton Road by the following vote:

Ayes: Council Members - Davenport, Mann, Sieglock and Snider

Noes: Council Members - None

Absent: Council Members - None

Abstain: Council Members - Pennino (Mayor)

Continued January 20, 1993

REMAINDER OF AGENDA ITEMS REMOVED FROM
THE CONSENT CALENDAR ADOPTED

On motion of Council Member Mann, Sieglock second, the City Council adopted the hereinafter listed items by the following vote:

Ayes: Council Members - Mann, Sieglock, Snider and
Pennino (Mayor)

Noes: Council Members - Davenport

Absent: Council Members - None

- a) Agenda item #F-6 entitled, "Agreement between the Boosters of Boys and Girls Sports Organization (B.O.B.S.) and the City of Lodi for operations of the concession facilities at Zupo Field";
- b) Agenda item #F-7 entitled, "Addendum to agreement between the Boosters of Boys and Girls Sports Organization (B.O.B.S.) and the City of Lodi naming all employees hired to staff B.O.B.S. concessions on City facilities as part-time employees of the City of Lodi";
- c) Agenda item #F-9 entitled, "Destruction of certain Finance Department records";
- d) Agenda item #F-10 entitled, "Contract award for 1993 Sidewalk Repair Program";
- e) Agenda item #F-11 entitled, "Contract award for 1993 Miscellaneous Concrete Work"; and
- f) Agenda item #F-12 entitled, "Traffic Resolution amendment - speed limits on Lodi Avenue, from Beckman Road to Guild Avenue, and on Guild Avenue, from Lodi Avenue to Victor Road".

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AGREEMENT BETWEEN THE BOOSTERS OF BOYS AND GIRLS
SPORTS ORGANIZATION (B.O.B.S.) AND THE CITY OF
LODI FOR OPERATIONS OF THE CONCESSION FACILITIES
AT ZUPO FIELD

RESOLUTION NO. 93-16

CC-27(c) The City Council adopted Resolution No. 93-16 entitled, "A
CC-90 Resolution of the Lodi City Council Approving an Agreement
CC-300 Between the Boosters of Boys and Girls Sports Organization
 and the City of Lodi for Operation of the Concession
 Facilities at Zupo Field, 350 North Washington Street,
 Lodi".

The City Council was advised that for the past four years, the Boosters of Boys and Girls Sports Organization has operated the concession stand at Zupo Field to raise revenues to support their share of the youth sports budget that they have agreed to take on in support of their many youth sports programs in Lodi.

It is only one source of revenue generation, as registration fees, team sponsor fees, fundraising projects, admission fees, and membership drive dollars, plus the concessions at Salas/Kofu Parks make up a total dollar commitment of \$250,000.

Staff recommended that Council approve this Agreement and allow the B.O.B.S. to continue to provide concession services to all functions at Zupo Field for the period of March 1, 1993 to December 31, 1993, as basically a one-year contract. (This is an annual renewal agreement between the B.O.B.S. and the City.)

Staff has written in the City mandates of operations and have experienced cooperation and compliance with the organization over the past years.

(See the vote on page 26.)

ADDENDUM TO AGREEMENT BETWEEN THE BOOSTERS OF
BOYS AND GIRLS SPORTS ORGANIZATION (B.O.B.S.)
AND THE CITY OF LODI NAMING ALL EMPLOYEES HIRED
TO STAFF B.O.B.S. CONCESSIONS ON CITY FACILITIES
AS PART-TIME EMPLOYEES OF THE CITY OF LODI APPROVED

RESOLUTION NO. 93-17

CC-90 The City Council adopted Resolution No. 93-17 approving
CC-300 addendum to agreement between B.O.B.S and the City of Lodi
 naming all employees hired to staff B.O.B.S. concessions on
 City facilities as part-time employees of the City of Lodi.

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The City Council was advised that currently, the B.O.B.S. writes the City a check each pay period to cover the wages of their employees. The City, in turn, issues a City payroll check for each individual. It is felt that there needed to be a formal agreement stipulating to both parties (B.O.B.S. and City) that these people, in fact, are part-time City employees and, as such, are subject to the same provisions as other City employees in matters of hiring, dismissal, and promotion.

(See the vote on page 26.)

DESTRUCTION OF CERTAIN FINANCE DEPARTMENT RECORDS APPROVED

RESOLUTION NO. 93-18

CC-6 The City Council adopted Resolution No. 93-18 approving the
CC-34 destruction of certain Finance Department records.
CC-300

In accordance with Government Code Section 34090, permission was requested to destroy the following obsolete City records:

1.	Payroll Activity*	1/77-1/7/90
2.	Administrative Leave Balances	1/87-12/88
3.	Labor Distribution Reports*	7/86-12/88
4.	Time Reports (Bi-Weekly)	1/86-12/88
5.	Employee Balances & Step Increases	1/87-12/88
6.	Vacation Accruals	1/87-12/88
7.	Overtime Reports	1/87-12/88
8.	Union Dues Deductions	1987-1988
9.	Payroll Changes	1987-1988
10.	Work Order Number Listings	1/86-12/88
11.	Trial Balances	7/86-6/88
12.	Revenue Report*	7/85-6/88
13.	Revenue Ledgers	7/85-6/88
14.	General Ledger*	7/85-6/88
15.	Appropriation Ledgers	7/85-6/88
16.	Miscellaneous Memorandums (Journal Vouchers)	7/86-6/88
17.	Expenditure Reports*	7/84-6/88
18.	Accounts Payable Registers*	7/87-6/89
19.	Claim Vouchers & Invoices	7/87-6/89
20.	Canceled Bank of America Payroll Checks	7/86-6/88
21.	Canceled Farmers & Merchants Bank Account Payable Checks	7/86-6/88

* Microfilm copy of records will be kept.

(See the vote on page 26.)

CONTRACT AWARDED FOR 1993 SIDEWALK REPAIR PROGRAM

RESOLUTION NO. 93-19

CC-12(a) The City Council adopted Resolution No. 93-19 awarding the
 CC-90 contract for 1993 Miscellaneous Concrete Work to Somera &
 CC-300 Sons Construction in the amount of \$35,250.00

This project will be used to continue the City's sidewalk repair program. Sidewalks damaged by City trees and having a vertical offset between 2 inches and 4 inches will be removed and replaced. This program has already repaired sidewalks with vertical offsets greater than 4 inches. The work will be divided into purchase orders ranging from \$4,000.00 to \$10,000.00.

Plans and specifications for this project were approved on December 16, 1992. The City received the following eleven bids for this project:

<u>Bidder</u>	<u>Location</u>	<u>Bid</u>
Engineer's Estimate		\$ 38,143.50
Somera & Sons Construction	Manteca	\$ 35,250.00
Allan Askew Can Do	Lodi	37,000.00
Ace Concrete Service	Oakdale	37,360.00
Popuch Concrete	Lodi	39,535.00
S and Z Construction	Davis	45,234.00
Stan Mathews Concrete	Manteca	53,757.00
Lauderdale Builders	Lodi	54,765.50
All Season Concrete	Pittsburg	56,000.00
Slipform Concrete, Inc.	Sacramento	66,112.50
Chessher Concrete	Sacramento	68,551.10
BRW Concrete	Sacramento	80,240.00

(See vote on page 26.)

CONTRACT AWARDED FOR 1993 MISCELLANEOUS CONCRETE WORK

RESOLUTION NO. 93-20

CC-12(a) The City Council adopted Resolution No. 93-20 awarding the
 CC-90 contract for 1993 Miscellaneous Concrete Work to Alan Askew
 CC-300 Can Do in the amount of \$4,975.00.

This project will provide the City with an annual unit price bid for removing and replacing minor sections of curb, gutter and sidewalk in various locations throughout the City. The work will be divided into purchase orders which will be under \$1,000.00 in most cases.

Plans and specifications for this project were approved on December 16, 1992. The City received the following five bids for this project:

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<u>Bidder</u>	<u>Location</u>	<u>Bid</u>
Engineer's Estimate		\$ 5,404.50
Allan Askew Can Do	Lodi	\$ 4,975.00
Popuch Concrete Corp.	Lodi	6,037.50
BRW Concrete	Sacramento	9,174.25
Ace Concrete	Oakdale	9,887.50
Slipform Concrete	Sacramento	10,730.50

(See the vote on page 26.)

TRAFFIC RESOLUTION AMENDMENT - SPEED LIMITS
ON LODI AVENUE, FROM BECKMAN ROAD TO GUILD
AVENUE, AND ON GUILD AVENUE FROM LODI
AVENUE TO VICTOR ROAD

RESOLUTION NO. 93-21

CC-48(a) The City Council adopted Resolution No. 93-21 entitled, "A
CC-300 Resolution of the Lodi City Council Approving Speed Limit
Modification on Lodi Avenue, From Beckman Road to Guild
Avenue, and on Guild Avenue, From Lodi Avenue to Victor
Road, Thereby Amending Traffic Resolution No. 87-163".

Public Works staff recently updated engineering and traffic studies for seven streets. These studies are performed following State of California Department of Transportation (Caltrans) guidelines in accordance with California Vehicle Code Section 40802.

Based on the Vehicle Code Section 40802, in order to use radar enforcement, it is necessary to conduct engineering and traffic studies every five years on "non-local" streets. "Non-local" streets are the collector and arterial streets shown on the Federal Aid System Maps. The engineering and traffic studies include measurements of prevailing speeds by a radar survey, review of unexpected conditions to the driver, and accident data.

Five of the seven streets have no changes to existing speed limits and do not need City Council approval. These five streets are Beckman Road, Lower Sacramento Road, Mills Avenue, Victor Road and Vine Street. The existing posted speed limits were shown on a map which was presented for Council's review.

One of the two street segments that needs Council approval is Guild Avenue, from Lodi Avenue to Victor Road, which was recently constructed and does not have an existing speed zone. The other street segment is Lodi Avenue, from Beckman Road to Guild Avenue, which has an existing speed zone of 35 mph from Beckman Road to 650 feet west of Guild Avenue. This easterly segment of Lodi Avenue was also recently constructed.

Currently, Lodi Avenue and Guild Avenue connect creating an "L" intersection with a centerline striped through the intersection. There are 10 mph advisory speed limit signs posted at the intersection. Staff requested that City Council approve 40 mph speed zones on both street segments based on the 85th percentile speeds observed in the field. It was not recommended to further reduce the speed zones due to unexpected conditions or accident records. If City Council changes the recommended limits, those street segments will not be radar enforceable.

(See the vote on page 26.)

ADJOURNMENT

There being no further business to come before the City Council, Mayor Pennino adjourned the meeting at approximately 10:48 p.m.

ATTEST:


Jennifer M. Perrin
City Clerk